

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEMOCRACY NORTH CAROLINA;)
NORTH CAROLINA BLACK ALLIANCE;)
LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA,)
)
Plaintiffs,)
)
vs.) Civil Action No.
) 1:23CV00878-TDS-JEP
ALAN HIRSCH, in his official)
capacity as CHAIR OF THE STATE)
BOARD OF ELECTIONS; JEFF)
CAMERON III, in his official)
capacity as SECRETARY OF THE)
STATE BOARD OF ELECTIONS;)
STACY EGGERS IV, in his)
official capacity as MEMBER)
OF THE STATE BOARD OF)
ELECTIONS; KEVIN LEWIS, in his)
official capacity as MEMBER OF)
THE STATE BOARD OF ELECTIONS;)
SIOBHAN O'DUFFY MILLEN, in her)
official capacity as MEMBER OF)
THE STATE BOARD OF ELECTIONS;)
KAREN BRINSON BELL, in her)
official capacity as EXECUTIVE)
DIRECTOR OF THE STATE BOARD OF)
ELECTIONS; NORTH CAROLINA)
STATE BOARD OF ELECTIONS,)
)
Defendants.)
	/

VIDEOTAPED DEPOSITION OF CLETA MITCHELL
(Taken by Plaintiffs)
Raleigh, North Carolina
Wednesday, September 25th, 2024

Certified Stenographic Court Reporter
Amy A. Brauser, RPR, RMR, CRR

1 not be saying of Ms. Mitchell, who has had a
2 distinguished career in public service.

3 MR. DOCKTERMAN: Let's take our lunch
4 break. It is now --

5 MS. HOLT: Gentlemen, if I may, I would
6 just like to note Legislative Defendants'
7 objection to getting outside of the scope of
8 the record as well. Of course, I am not
9 counsel for Ms. Mitchell, but we would like
10 to note that for the record, please.

11 MR. DOCKTERMAN: Anybody else who is on
12 here virtually want to say anything before we
13 break for lunch?

14 THE WITNESS: I will say for the
15 record, I would like to answer questions. I
16 will be -- I will answer questions on
17 same-day registration. I'm not going to
18 discuss other areas of inquiry, other subject
19 matters, because that's well beyond the scope
20 of your litigation.

21 And I also -- I personally object to
22 your assertion that I somehow influenced
23 Senate Bill 747, which is -- you have no
24 evidence to support that. It did not happen.
25 You have no evidence to support that.

1 Davis is?

2 A. I do not.

3 Q. Okay. Do you know who Representative
4 Grey Mills is? He's shown in the cc line.

5 A. I've heard them talk about him, but I
6 don't know him.

7 Q. And when you say "them"?

8 A. Jim Womack.

9 Q. Jim Womack.
10 In the second paragraph, Mr. Womack
11 begins:

12 Election law attorney, Cleta
13 Mitchell, and I would welcome the
14 opportunity to pop up to Raleigh to
15 meet with you, Representative Warren,
16 Representative Mills, and any other
17 legislators to address the suite of
18 proposed statutory changes we have
19 submitted, all of which stem from our
20 thorough review of the State
21 statutes --

22 I think it means "statutes" although it
23 says "statues." (Reading)

24 -- and documented experiences
25 in the last two election cycles.

1 Do you see that?

2 A. I see that.

3 Q. Did you review any State statutes with
4 or for Mr. Womack before March 11, 2023?

5 A. I don't really think so, no. I think
6 maybe he might have sent me some things.

7 Q. Okay.

8 A. But . . .

9 Q. Well, obviously, Mr. Womack's testified
10 to this, but I'm curious as to your recollection.
11 Do you recall --

12 A. I don't recall. I don't recall that,
13 no.

14 Q. Okay. Do you recall the offer to "pop
15 up to Raleigh"?

16 A. No.

17 Q. It's not much of a pop for you, is it?

18 A. Well, it's an hour.

19 Q. Is it an hour?

20 A. An hour and a half.

21 Q. Okay.

22 And he specifically mentions
23 Representative Warren, Representative Mills, and,
24 of course, Representative Davis himself.

25 Do you recall ever discussing those

1 folks with Mr. Womack?

2 A. No.

3 Q. Do you --

4 A. Oh, wait. Ever discussing what?

5 Q. Those folks.

6 A. I think I've heard him talk about --

7 he's talked about Representative Grey Mills. I
8 think he was chairman of the Elections Committee
9 but I'm not certain about that.

10 I don't know him. I've never met with
11 any of these people.

12 Q. Okay.

13 A. Other than Mr. Womack.

14 Q. I got it.

15 And there's also a mention here of a
16 "suite of proposed statutory changes we have
17 submitted."

18 Do you know who "we" is there?

19 A. NCEIT.

20 Q. NCEIT. And he doesn't say NCEIT, he
21 says "Cleta Mitchell and I." So I wondered --

22 A. He says: (Reading)

23 Cleta Mitchell and I will
24 be -- would welcome the opportunity to
25 come meet with you.

1 Q. Okay. (Reading)

2 About the suite of proposed
3 statutory changes we have submitted.

4 So that's why I was curious about the
5 "we."

6 A. Well, I think the "we" is NCEIT because
7 there was a group of people at NCEIT that worked
8 very hard on whatever they were going to propose to
9 the legislature.

10 Q. And were you involved in that at all?

11 A. No.

12 Q. Do you know why he would have
13 volunteered you?

14 A. A lot of states do that.

15 Q. I'm sorry, what do you mean by that?

16 A. He would have volunteered me because I
17 live in North Carolina. And if he had asked me to
18 attend, I probably would have, but -- if I could,
19 but I didn't. He didn't ask, and I didn't go.

20 Q. In the fourth paragraph, it begins:
21 (Reading)

22 We applaud the House
23 initiatives to limit the length of the
24 early voting period to compel same-day
25 registrants to use a provisional

1 ballot and to require delivery of
2 mail-in ballots by the end of the
3 election day.

4 I want to make particular reference to
5 "to compel same-day registrants to use a
6 provisional ballot."

7 A. Uh-huh, yes.

8 Q. Were you involved at all in any House
9 initiatives to compel same-day registrants to use a
10 provisional ballot?

11 A. I was not.

12 Q. Do you know who he's referring to here?

13 A. NCEIT. I presume that.

14 Q. I was just going to ask you, do you
15 know or is that an assumption?

16 A. That's just an assumption.

17 Q. Okay.

18 A. It wasn't me.

19 Q. Do you know if he -- did he run any of
20 those initiatives by you?

21 A. No.

22 Q. Did you discuss them with him
23 generally?

24 A. He sent me a PowerPoint that he had
25 prepared at some point. I said, "This is great,"

1 Q. And everything from that down, that's
2 from WRAL.

3 A. Well, that makes sense because I see
4 these ugly comments about -- although here is an
5 actual. (Reading)

6 It's unclear how much
7 Mitchell -- how much influence
8 Mitchell and others have had in
9 helping craft language of the expected
10 proposal. Hall said he's never met
11 with her.

12 True statement.

13 Q. Okay. (Reading)

14 But a top Republican in the
15 other chamber -- according to the next
16 sentence -- Senator Ralph Hise, said
17 she's one of the many people he's
18 talked to about the bill.

19 A. Okay. If he was at that meeting,
20 that's it.

21 Q. Okay.

22 A. That's my only meeting on this bill or
23 any of these. I don't even know if it was on this
24 bill that is the subject matter of your litigation.

25 Q. I get it. I'm just telling you what --

1 A. Well, I'm just saying, I had one
2 meeting, and that was it.

3 Q. Sometimes people can talk other than in
4 meetings, Ms. Mitchell, and that's why I'm saying,
5 Senator Hise says you're one of the many people.

6 A. She is -- I am one of many people he
7 has talked to.

8 Q. Yes. "He," Senator Hise.

9 A. Correct.

10 Q. So that's why I was trying to determine
11 whether you've ever spoken to Senator Hise.

12 A. If he was in the meeting that day,
13 which I think maybe he was, I'm not really sure,
14 but I think maybe he was, then, yes, I would be one
15 of the people he talked to because he and I would
16 have been in that meeting. But that was it for me.

17 Q. Okay. So if you go to the next page,
18 there's another quotation from Mr. Hise under-
19 Senator Hise under "What could be in the bill."

20 Do you see that?

21 A. I do.

22 Q. (Reading)

23 Hise said that while he has
24 been working with Womack and Mitchell
25 on the bill, he and other GOP leaders

1 have met with plenty of others as
2 well.

3 A. Where are you reading from?

4 Q. Do you see where it says "What could be
5 in the bill"? About a third of the way down.

6 A. Okay.

7 Q. The first sentence says: (Reading)

8 Hise said that while he has
9 been working with Womack and Mitchell
10 on the bill, he and other GOP leaders
11 have met with plenty of others as
12 well.

13 Do you see that?

14 A. I do, but they're not quoting him.

15 Q. I don't know --

16 A. They're not -- he didn't say -- that is
17 not in quotes. He said, "I've talked to them."

18 Q. So I'm just reading this sentence --

19 A. I understand that, but there's a big
20 difference between some WRAL reporter
21 characterizing or mischaracterizing what he said
22 and the quote where he actually said, "I've talked
23 to them." I presume that Jim Womack talked to him
24 many times. If he was in the meeting, and I think
25 maybe he was, I talked to him once.

1 Q. So one of the things that I wanted to
2 confirm with you is he's -- it is attributed to him
3 to have said, whether in quotes or not, that he has
4 been working with Womack and Mitchell on the bill.

5 Are you denying --

6 A. I am --

7 Q. Let me finish the question.

8 Are you denying that you worked with
9 Senator Hise on the bill?

10 A. My definition of "working with" someone
11 would be more than having one meeting. It would be
12 actually more than one meeting, exchanging
13 information on more than one occasion, all those
14 kinds of things. That is what I would define as
15 "working with." I did not work with any legislator
16 on Senate Bill 747.

17 Q. And do you know whether any of your
18 materials were either invoked or provided to
19 legislative leaders in North Carolina in support of
20 the work on 747?

21 A. I have no idea.

22 Q. Okay.

23 MR. DOCKTERMAN: If you give us
24 two minutes, Tyler.

25 MR. BROOKS: Sure.

1 STATE OF NORTH CAROLINA

2 COUNTY OF DAVIDSON

3
4 C E R T I F I C A T E

5 I, Amy A. Brauser, Registered Merit
6 Reporter/Certified Realtime Reporter, the officer
7 before whom the foregoing deposition was taken, do
8 hereby certify that the witness was duly sworn by me
9 prior to the taking of the foregoing deposition; that
10 the testimony of said witness was taken by me to the
11 best of my ability and thereafter reduced to
12 typewriting under my direction; that I am neither
13 counsel for, related to, nor employed by any of the
14 parties to the action in which this deposition was
15 taken, and further that I am not a relative or employee
16 of any attorney or counsel employed by the parties
17 thereto, nor financially or otherwise interested in the
18 outcome of the action.

19
20 This is the 27th day of September, 2024.

21
22
23 _____
Amy A. Brauser, RPR RMR CRR

24 Notary Public # 20023030055
25